

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JOSEPH FRIEL, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

LINE 5, LLC, ET AL.

Defendants.

CASE NO. 3:24-CV-01866-JKM

JURY TRIAL DEMANDED

**REQUEST FOR CLERK'S ENTRY OF DEFAULT AGAINST DEFENDANT
JEA MANAGEMENT SERVICES d/b/a COVERED AUTO**

COMES NOW Plaintiff Joesph Friel, by and through the undersigned counsel, pursuant to FED. R. CIV. P. 55(a), and hereby files this Motion for Clerk's Entry of Default against Defendant JEA Management Services d/b/a Covered Auto in the above-styled action. Plaintiff respectfully requests that the Clerk of Court enter default as the Defendant has failed to serve or file an answer to Plaintiff's claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 12(a), entitled "Time to Serve a Responsive Pleading," provides in pertinent part that "[a] defendant must serve an answer within 21 days after being served with the summons and complaint." FED. R. CIV. P. 12(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled "Entering a Default," provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk *must* enter the party's default." FED. R. CIV. P. 55(a) (emphasis added).

Here, the Plaintiff filed his Complaint naming JEA Management Services on October 29, 2024. (See ECF No. 1.) Defendant JEA Management Services was served with the Summons and Complaint on November 15, 2024. (See ECF No. 17.) Accordingly, Defendant's responsive

pleading was due on December 6, 2024. Defendant did not file a response as of December 18, 2024. Accordingly, the Plaintiff requests that the Clerk enter the Defendant's default pursuant to FED. R. CIV. P. 55(a).

Moreover, to allay this Court's concerns about the manner and method of service, the service of process here was proper because service was served at the home or usual place of abode of the corporation's owner and CEO, as the California Secretary of State reveals in Exhibit A. Rule 4(h) of the Federal Rules of Civil Procedure govern service of process on a corporation. In relevant part, Rule 4(h)(1)(A) provides a corporation may be served in the same manner as an individual, which includes personal service, service at one's home or registered agent, or by following state law. Relevant state law, Pennsylvania Rule of Civil Procedure 402(a)(2)(iii), provides that original process can be served by handing a copy "at any office or usual place of business of the defendant to his agent or to the person for the time being in charge thereof." Plaintiff believes that the Defendant operates a home-based business, and thus, service upon the Defendant CEO's wife was proper as she was the "person for the time being in charge thereof."

Although plaintiff acknowledges that there are two business addresses also listed on the California Secretary of State, such addresses appear to be invalid addresses for Defendant JEA. Specifically, searching the 20501 Ventura Blvd address does not reveal that JEA was ever located at that address, and the 17609 Ventura Blvd address is a medical centre. Accordingly, it was appropriate to serve the Defendant through its owner and CEO at his home address, and subserve the wife.

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against the Defendant pursuant to FED. R. CIV. P. 55(a).

RESPECTFULLY SUBMITTED AND DATED this December 18, 2024.

/s/ Andrew Roman Perrong
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CERTIFICATE OF SERVICE

I certify that I filed the foregoing via ECF on the below date, which will automatically send a copy to all attorneys of record on the case.

I further certify that I mailed a copy of the foregoing to:

JEA MANAGEMENT SERVICES
5643 NOBLE AVE
LOS ANGELES, CA 91411
Tracking Number: 00310903331480002801

JEA MANAGEMENT SERVICES
17609 VENTURA BLVD. SUITE 208
ENCINO, CA 91316
Tracking Number: 00310903331480002802

and

JEA MANAGEMENT SERVICES
20501 VENTURA BLVD. SUITE 350
WOODLAND HILLS, CA 91364
Tracking Number: 00310903331480002804

Dated: December 18, 2024

/s/ Andrew Roman Perrong
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Glenside, Pennsylvania 19038
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